

## REMARKS

Claims 1-16 are pending in the application. Claims 1-16 stand rejected under 35 U.S.C. Section 102(b).

The Examiner has rejected Claims 1-16 under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 6,014,439 (Walker et al.). In light of the amendments to the claims and the arguments made below the Applicant respectfully traverses the rejection.

The Applicant's invention discloses a system and method for processing incoming telephone calls in a call center type environment. The system includes a communications network interface which receives and processes at least one telephone call and also provides access to at least one interactive application. Further, a queuing application in the system provides for placing incoming telephone calls in a queue whereby they may be routed to a destination such as a customer service representative. Still further, the system may be configured to assign a routing priority number to the incoming calls for routing to a customer service representative based on any number of criteria. Also provided as part of the system are one or more interactive applications which an incoming caller may access while waiting in the queue.

Walker et al. discloses a system for entertaining a caller placed in a queue which allows the caller to access a plurality of entertainment options while on hold. One function in particular performed by the Walker et al. system is the association of a caller in the queue with an account record. Through analysis of the account record a determination may be made as to whether a caller should be provided access to the entertainment content.

The Applicants has amended Claims 1 and 9 to now specifically recite that when an incoming call is received, information associated with the incoming call may be analyzed to

assign a priority number. The call routing priority number is then used to determine in which order the received calls will be routed to a destination such as a customer service representative.

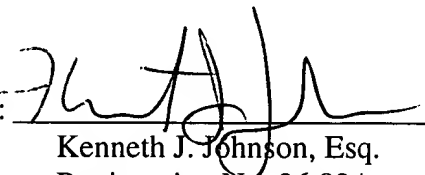
The Applicant's invention is not anticipated by Walker et al. because this reference does not teach the generation and assignment of a routing priority number for placing telephone calls in the queue. In the Office action the Examiner notes that Walker et al. teaches the assignment of priority and refers to item 820 in Fig. 8A. The Applicants has reviewed the noted portion of the figures as well as the corresponding text. Item 820 in Fig. 8A reads "message is played to caller with greeting and estimate of hold time." The corresponding description in the Specification for this particular item is in Column 9 from Lines 57-62, which recite "if, however, it is determined that during step 815 that an appropriate attendant is not available to handle the call, then a message is preferably played to the caller by the IVRU 155 during step 820 with an appropriate greeting and estimate of the hold time." The following paragraph goes on to state that "a test is performed during step 822 to determine if the caller should be provided with complementary access to the paid entertainment option." According to this step, based on a status indication provided in a entry in a database, a decision may be made as to whether a call which has been placed in the queue shall be given access to the entertainment option.

This type of priority relating to access to entertainment options is different than what is described in the Applicant's invention. In the Applicant's invention, priority, that is, the order of a call within the queue, is established based on any number of criteria which may include order the call is received, status indication from a database, or monitoring of use of interactive applications within the system. Because Walker et al. does not teach or suggest this type of prioritization scheme for placing calls in a queue, the present claims should be considered allowable.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:   
Kenneth J. Johnson, Esq.  
Registration No. 36,834  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
Telephone: (303) 338-0997  
Facsimile: (303) 338-1514

Date: October 6, 2003